

EXHIBIT T

Brenner, Wendy

From: Anna Levine [alevine@dralegal.org]
Sent: Wednesday, January 05, 2011 4:56 PM
To: Brenner, Wendy
Cc: Daniel F. Goldstein; Scott C. LaBarre
Attachments: Letter.to.NCBE.1-5-11.doc; draft_stipulation_re_February_2011_MBE.motion.1-5-11.docx;
draft_stipulation_re_February_2011_MBE.no.motion.1-5-11.docx

Dear Wendy,

Please see the attached letter and proposed draft stipulations.

Thank you,

Anna

Anna Levine, Staff Attorney
Disability Rights Advocates
2001 Center Street, Third Floor
Berkeley, California 94704-1204

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Via Email

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Five Palo Alto Square
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December 29, 2010

**Re: *Enyart v. National Conference of Bar Examiners*
Proposed Preliminary Injunction Order**

Dear Wendy,

Attached with this letter you will find two draft stipulations. One includes both provisions regarding the software that will be provided through a further preliminary injunction order, and provisions that would take the place of the previously requested availability of someone with administrative privileges (the draft with "no motion" in its document title). The other draft does not include the latter provisions, but instead reserves Stephanie's right to seek further modifications from the court (the draft with "motion" in its document title).

We have not yet received any response from NCBE regarding our letter of December 29, 2010 on the issue of software that NCBE will provided for the February 2011 administration of the MBE. Our preference is to resolve all issues regarding accommodations on the February MBE by stipulation. However, failing to do that, Stephanie needs to move for an injunction by the end of this week to get the accommodations she needs in place in time for the February test administration.

Through your letter dated December 23, 2010, we understand that the question of administrative privileges also remains unresolved. We have pursued this issue in an effort to address specific problems that have arisen in Stephanie's experience of prior test administrations. Your assurance in your letter dated December 23, 2010 that "When the laptop leaves NCBE, it will be in working order," is not supported by those experiences: on no prior exam administration has Stephanie ever received a laptop in working order. We do not believe that making available a NCBE or State Bar person with administrative privileges compromises the security of the exam. Our goal, however, is a meaningful opportunity to fix identified problems, if any, that require, for example, software programs to be uninstalled and reinstalled in a

different order. If in fact the laptop is in working order, the issue will not arise. But if there is such a problem, we do not want Stephanie left in a position where the agreed upon pre-test inspection affords her only a longer time to reflect on the fact that there will again be a problem that interferes with the accessibility of the test and that will not be fixed prior to the exam.

In an effort to avoid going back to court, we have drafted an alternative potential solution, which is contained in the attached draft stipulation. Under this proposed stipulation, if and only if a problem requiring it is identified, the laptop will be returned to NCBE to be fixed in time for the exam, rather than having someone available on-site with the administrative privileges necessary to fix the laptop.

I hope that this solution addresses NCBE's concerns and that we can finalize an agreement fully addressing the further preliminary injunction order. In light of time constraints, please respond by 12 pm, tomorrow, as to whether NCBE will enter into either of these proposed agreements.

Sincerely,

/s/ Anna Levine

Enclosures (2)

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Attorneys for Plaintiff

[add defense counsel to caption]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DISABILITY RIGHTS ADVOCATES
2001 CENTER STREET, THIRD FLOOR
BERKELEY, CALIFORNIA 94704-1204
(510) 665-8644

STEPHANIE ENYART

Case NO. C09-05191

Plaintiff,

v.

NATIONAL CONFERENCE OF BAR
EXAMINERS,

**NOTICE OF STIPULATION AND
AGREEMENT BETWEEN STEPHANIE
ENYART AND NATIONAL
CONFERENCE OF BAR EXAMINERS
REGARDING FEBRUARY 2011
ADMINISTRATION OF MULTISTATE
BAR EXAM**

Defendant.

DISABILITY RIGHTS ADVOCATES
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BERKELEY, CALIFORNIA 94704-1204
(510) 665-8644

1 The parties to the above-captioned action, Plaintiff Stephanie Enyart and
 2 Defendant National Conference of Bar Examiners (hereinafter, "the Parties"), jointly
 3 stipulate and agree as follows:

- 4
- 5 1. With respect to the February 2011 administration of the California Bar exam,
- 6 NCBE shall provide the State Bar of California, Committee of Bar Examiners
- 7 (the "State Bar") with the Multistate Bar Examination ("MBE") loaded onto a
- 8 laptop computer equipped with Windows XP, Word 2003, JAWS version 12
- 9 and MAGic version 11 software, with the examination displayed in 14-point
- 10 Arial font.
- 11 2. NCBE shall deliver the NCBE laptop to the State Bar for arrival on or before
- 12 February 17, 2011, and request the State Bar to make the NCBE-provided
- 13 laptop available to Ms. Enyart and a technical expert of her choice (the
- 14 "technical expert") on February 17, 2011 for inspection and set-up. Inspection
- 15 and set-up shall include permission to connect Ms. Enyart's monitor,
- 16 keyboard and mouse (the "peripherals") to the NCBE laptop and to test the
- 17 functionality of JAWS and MAGic to ensure that all software and hardware on
- 18 the system are functioning properly.
- 19 3. NCBE shall request the State Bar to make the NCBE-provided laptop
- 20 available to Ms. Enyart and a technical expert of her choice again on
- 21 February 21, 2011 for set up in the secure testing area. Set up shall include
- 22 permission to connect the peripherals to the NCBE laptop and to again test
- 23 the functionality of JAWS and MAGic to ensure that all software and hardware
- 24 on the system are functioning properly.
- 25 4. NCBE will make an NCBE representative knowledgeable about the
- 26 configuration of the NCBE laptop available by telephone on February 17,
- 27 2011 and February 21, 2011, at a pre-established, mutually convenient time
- 28

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- 1 between 8:30 a.m. and 4:00 p.m. CST, to work with Ms. Enyart and the
- 2 technical expert on troubleshooting any technical or compatibility issues.
- 3 5. The NCBE representative available by telephone will not use his or her
- 4 administrative privileges in any way, nor will he or she transfer that ability. In
- 5 the event that the NCBE representative, technical expert, and Ms. Enyart
- 6 identify a problem on February 17, 2011, which cannot be resolved absent
- 7 the use of administrative privileges, the NCBE shall arrange for the return of
- 8 the laptop to NCBE, and will maintain an open line of communication with the
- 9 technical expert and Ms. Enyart while working to resolve the problem offsite.
- 10 NCBE will deliver the laptop back to the State Bar by Monday, February 21,
- 11 2011 for set up in the secure testing area, pursuant to paragraph 3.
- 12 6. NCBE will permit the laptop computer to remain set up with the peripherals
- 13 connected in the testing room from February 21, 2011 through the
- 14 administration of the MBE to Ms. Enyart on February 26 and 27, 2011, with
- 15 storage and security of the NCBE laptop being ensured by State Bar
- 16 personnel. In the event the State Bar declines to provide any of the
- 17 accommodations specified in this order, counsel are to notify the court one
- 18 week prior to the date of the commencement of the Bar examination.
- 19 7. The State Bar shall be responsible for custody of, and access to, the laptop
- 20 once it is delivered to the State Bar. All decisions with respect to the
- 21 administration of the examination shall rest with the State Bar. The MBE shall
- 22 be administered by the State Bar with the above accommodations pursuant to
- 23 the Stipulation Regarding Dismissal Without Prejudice of Defendant State Bar
- 24 of California; Order Thereon filed with the Court on December 9, 2009.
- 25 8. Plaintiff shall post an additional cash bond in the amount of \$5,000 with the
- 26 Clerk of the Court by July 1, 2010, and deposited into the registry of the
- 27 Court.
- 28

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Respectfully Submitted,

Dated: January __, 2011

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By: /s/ Laurence Paradis

LABARRE LAW OFFICES, P.C.

By: /s/ Scott Labarre

BROWN, GOLDSTEIN AND LEVY, PLLC

By: /s/ Daniel F. Goldstein

Attorneys for Plaintiff

COOLEY GODWARD KRONISH LLP

By: /s/ Wendy J. Brenner

Attorneys for Defendant

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15 Attorneys for Plaintiff

16 [add defense counsel to caption]

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15 of California; Order Thereon filed with the Court on December 9, 2009.
- 16 7. Plaintiff shall post an additional cash bond in the amount of \$5,000 with the
17 Clerk of the Court by July 1, 2010, and deposited into the registry of the
18 Court.
- 19 8. Plaintiff reserves the right to move this Court for other modifications to the
20 prior injunctions issued in this case that are not covered by this stipulation.

21
22 Respectfully Submitted,

23
24
25 Dated: January __, 2011

DISABILITY RIGHTS ADVOCATES

26 By: /s/ Laurence Paradis

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By: /s/ Wendy J. Brenner

Attorneys for Defendant